

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MCARTHUR LYNCH, JR., )  
 )  
Petitioner, )  
 )  
v. ) Case No.: 2:20-cv-00325-ACA-SGC  
 )  
ATTORNEY GENERAL OF THE )  
STATE OF ALABAMA, et al., )  
 )  
Respondents. )

**MEMORANDUM OPINION**

On May 13, 2020, the magistrate judge entered a report recommending this petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, be dismissed as successive. (Doc. 4). The magistrate judge further recommended denial of a certificate of appealability. Mr. Lynch filed objections. (Doc. 5).

Mr. Lynch's objections erroneously assert the magistrate judge's report inquired why he belatedly filed a habeas petition; he states his filing was delayed because he was in "lock up" and did not have access to legal assistance. (*Id.* at 1). However, the magistrate judge's report mentions untimeliness only in explaining why Mr. Lynch's prior § 2254 petition was dismissed and for the sole purpose of analyzing the successiveness of the instant petition. (Doc. 4 at 3). The remainder of Mr. Lynch's objections consist of his conclusory assertions that: (1) his petition "told [] the truth"; (2) he gets "the run around" every time he files something; (3) he did

not commit the crime leading to his current sentence; (4) the prosecutor knew a witness lied during grand jury proceedings; and (5) he was “set up” and blackmailed while confined in the county jail. (Doc. 5 at 1-2). None of these objections address the magistrate judge’s conclusion that the instant petition is successive. Accordingly, Mr. Lynch’s objections are **OVERRULED**. (Doc. 5).

After careful consideration of the record in this case, including the magistrate judge’s report and Mr. Lynch’s objections, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** her recommendation. Accordingly, this matter is due to be dismissed without prejudice because it is successive and lacks the requisite appellate court authorization. A certificate of appealability is due to be denied.

A separate order will be entered.

**DONE** and **ORDERED** this June 17, 2020.



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ANNEMARIE CARNEY AXON  
UNITED STATES DISTRICT JUDGE